

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

File No. 1:04-CR-294

v.

HON. ROBERT HOLMES BELL
CORNELL JAMES McBRIDE,

Defendant.

/

MEMORANDUM OPINION AND ORDER
REGARDING IN FORMA PAUPERIS STATUS

This matter is before the Court on Defendant Cornell James McBride's pro se motion for in forma pauperis status. (Docket #39.) On January 13, 2005, Defendant McBride pleaded guilty to one count of bank robbery by force and intimidation, 18 U.S.C. § 2113(a). On April 11, 2005, Defendant McBride was sentenced to 48 months of imprisonment, 3 years of supervised release, restitution of \$3,824.00 and a special assessment of \$100.00. On May 10, 2007, Defendant filed a notice of appeal and in that same document requests in forma pauperis status on appeal.

Rule 24 of the Federal Rules of Appellate Procedure provides that a party seeking to proceed in forma pauperis on appeal must file a motion in the district court and must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

Fed R. App. P. 24(a)(1). *See also* 28 U.S.C. § 1915(a)(1). Defendant's motion for leave to proceed in forma pauperis claims an entitlement to redress and states the issues that he intends to present on appeal as required by Rule 24(a)(1)(B) and (a)(1)(C). Rule 24(a)(3) provides that a party "who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization . . ." Fed. R. App. P. 23(a)(3). The Court previously determined that Defendant was financially unable to employ counsel and therefore appointed counsel. (CJA Appointment of Counsel, Docket #11.) Thus, Defendant has met the requirements for in forma pauperis status on appeal. Accordingly,

IT IS HEREBY ORDERED that Defendant McBride's motion for in forma pauperis status (Docket #39) is **GRANTED**.

Date: August 15, 2007

/s/ Robert Holmes Bell

ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE